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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,875	06/15/2000	Yoshiro Yoda	00442/LH	8911
1933	7590	09/13/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,875

Applicant(s)

YODA, YOSHIRO

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,8-10 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 is/are allowed.
- 6) ☒ Claim(s) 5,6 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges amendments made on claims received on June 23, 2005. Claims 5, 14, 16 and 17 have been amended. Claim 18 has been newly added.

Response to Arguments

2. Applicant's arguments filed June 23, 2005 have been fully considered but they are not persuasive.
3. **Regarding claim 5**, Applicant contends that Tullis does not disclose "the transmission means transmits only an image unrecorded in a recording apparatus of the master unit to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by the transmission means" and that the electronic camera reads out the file names of the image recorded on the camera memory card, outputs them to the PHS unit through the interface section, and causes the PHS unit to transmit the file names to the electronic album apparatus through the private base station. Also contends that only file names that do not coincide are output to the private base station through the interface section as the file names of untransmitted image data and returned to the electronic camera through the PHS unit.

Examiner respectfully disagrees, by teaching that the camera can transfer directly a captured image to the host computer (Col. 6, lines 34-63), Tullis inherently teaches only an image unrecorded in a recording apparatus of the master unit to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by the transmission means, since in a direct

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mode, the images are captured in real time, so every image transferred is not previously recorded in the host computer.

Examiner agrees with the Applicant in the sense that Tullis does not explicitly disclose that the electronic camera reads out the file names of the image recorded on the camera memory card, outputs them to the PHS unit through the interface section, and causes the PHS unit to transmit the file names to the electronic album apparatus through the private base station and that only file names that do not coincide to the files in the host are output to the private base station through the interface section as the file names of untransmitted image data and returned to the electronic camera through the PHS unit, however, Examiner indicates that that the electronic camera reads out the file names of the image recorded on the camera memory card, outputs them to the PHS unit through the interface section, and causes the PHS unit to transmit the file names to the electronic album apparatus through the private base station and that only file names that do not coincide to the files in the host are output to the private base station through the interface section as the file names of untransmitted image data and returned to the electronic camera through the PHS unit is not claimed in claim 5. Also in claim 5, there is no mention that the electronic camera is a PHS (Personal Handy Phone System). Therefore, the rejection made on claim 5 is maintained.

Regarding claim 14, Applicant contends that the portable transmission terminal in Tanaka is not a PHS (Personal Handy Phone System) and that Tanaka does not disclose or suggest an electronic camera system including a base station unit of a personal handy phone system.

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Examiner, respectfully disagrees Tanaka discloses that the digital still camera is also a wireless telephone (See col. 1, lines 39-48; col. 2, lines 43-63; col. 3, lines 1-59). Since Tanaka discloses that the digital still camera is also a wireless telephone, and that the digital still camera can communicate to various remote devices including a computer (col. 1, lines 65-67), inherently teaches the base/handset relation (In Tanaka the digital still camera not only communicates to a computer but also to other portable devices including wireless phone by using the designated telephone number, which means that the camera is connected to a wireless network, this also means that the digital still camera also communicates to a base station in order to communicate to the wireless telephone or the computer connected to the base station through a modem). Therefore, the rejection made on claim 14 is maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 5** is rejected under 35 U.S.C. 102(e) as being anticipated by Tullis, US Patent 6,535,243 B1.

Regarding claim 5, Tullis discloses an electronic camera (Fig. 2: 40) comprising: processing means (Fig. 2: 56) for compression processing an image obtained by sensing (Col. 4, lines 21-31; col. 6, lines 34-44); recording means (Fig. 2: 52) for

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recording the processed image as an image file (Col. 4, lines 21-46); and transmission means (Fig. 2: 72) for transmitting the image file recorded said recording means upon receiving base station (Fig. 2: 10) identification information of a master unit in position registration processing according to movement (Tullis teaches broadcasting signals that designate the availability of the host computer, see col. 5, lines 13-42), the master unit having registered a self device as a subsidiary unit, wherein the transmission means transmits only the an image unrecorded in a recording apparatus of the master unit (memory/hard disk of the computer or memory of the wireless telephone; see) to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means (Tullis teaches directly transmitting a captured image to the host computer for storage, col. 6, lines 34-63). Response to arguments above, apply here.

6. **Claims 14 and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka, US Patent 6,392,697 B1.

Regarding claim 14, Tanaka discloses an electronic camera system (Fig. 1) comprising: an electronic camera (Figs. 1: 5 and 2: 10) having a unique identification code (subscriber telephone number) and capable of transferring image sensing data stored in nonvolatile storage means (Fig. 2: 14 and 2: 46) to a predetermined partner by data communication compatible to a personal handy phone system (PHS), said electronic camera storing the image sensing data in said nonvolatile storage means; and a base station unit of the personal handy phone system (PHS) (In col. 1, lines 65-67, Tanaka teaches transmitting image data to a remote device i.e. a computer; In Tanaka the digital still camera not only communicates to a computer but also to other

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portable devices including wireless phone by using the designated telephone number, which means that the camera is connected to a wireless network, this also means that the digital still camera also communicates to a base station in order to communicate to the wireless telephone or the computer connected to the base station through a modem) unit which has a unique identification code (See col. 5, lines 30-44) and a predetermined storage (By teaching transmitting image data to a remote computer, Tanaka inherently discloses that the base station has a storage for the received images) unit and is capable of data communication compatible to said personal handy phone system, and which performs data communication with said electronic camera and stores the transferred image sensing data in said predetermined storage unit (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Regarding claim 15, Tanaka discloses that the electronic camera is set as a subsidiary unit having said base station unit as a master unit and transfers the image sensing data only when said master unit and said subsidiary unit can directly perform data communication (Col. 5, line 58 – col. 7, line 22; see also Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis, US Patent 6535243 B1 in view of Wakui, US Patent 6,262,767 B1.

Regarding claim 6, Tullis discloses transmitting image data from a hand held digital camera to a host computer via wireless but does not explicitly disclose automatically erasing the image data from the memory upon transfer of the data from the camera to the computer.

However, Wakui teaches a digital camera (See fig. 1), wherein after transmitting image data to a remote controller (Fig. 1: 3), it erase the image data that has been transmitted to said controller (Col. 16, lines 9-15).

Therefore, taking the combined teaching of Tullis in view of Wakui as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tullis by erasing the image data in the memory of the digital camera after transmitting image data to the host. The motivation to do so would help the digital camera to reserve memory space for other captured images.

9. **Claims 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,392,697 B1 in view of, Sato US Patent 5,943,517.

Regarding claim 16, Tanaka discloses an electronic camera (Figs. 1: 5 and 2: 10) capable of communication on a personal handy phone system (Fig. 1), comprising: an image processing unit (Fig. 2: 41 and 35) configured to process image data obtained by an image of said camera; a storage unit (Fig. 2: 14 and 2: 46) configured to store said image data as an image file by assigning a unique file name (Assigning a unique file name to the images is inherent in Tanaka so as to identify the images to be transmitted); and a communication unit (Fig. 2: 11) configured to communicate with a specified communication unit when said specified communication unit is found to establish mutual communication (Mobile telephones transmit broadcasting signals to establish mutual communication with the Mobile Services Switching Center (MSC)) (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51). Tanaka teaches transmitting the image file to other communication unit but does not explicitly disclose that said communication unit transmits said image file stored in said storage to said specified communication unit if it is determined that said image file is not previously sent to said specified communication unit.

However, Sato teaches an electronic camera (Fig. 1) having picture data output function using an infrared communication unit (Fig. 2: 38), wherein said camera assigns a file name to each captured image (See figs. 3, 6 and 7), when transferring the image to a recording medium (fig. 1: RM) or an external storage (Using interface connector in fig. 1: 26) the camera verifies if the file has already been stored in the recording medium (See fig. 9: 911), if it is determined that the image file has been transmitted, the camera displays a message (Fig. 9: 912) to notify the user that said the image has been previously transmitted to the recording medium and the user has to modify the image

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file name or perform other operations if still wants to transfer the image to said recording medium (Col. 13, line 41 – col. 15, line 25).

Therefore, taking the combined teaching of Tanaka in view of Sato as a Whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by determining if an image to be transmitted has been transmitted before to another communication device to transmit only the untransmitted images. The motivation to do so would help the electronic camera to avoid redundancy of image files in the target communication unit avoiding retransmission of same image data.

Regarding claim 17, the combined teaching of Tanaka in view of Sato teaches the same as in claim 16. Therefore, grounds for rejecting claim 16 apply here.

Regarding claim 18, Tanaka does not explicitly disclose that the electronic camera transfers only image sensing data which is unrecorded in the predetermined storage unit of the base station unit to the base station unit and the image sensing data is recorded in the predetermined storage unit of the base station unit upon being transmitted by the electronic camera.

However, Sato teaches an electronic camera (Fig. 1) having picture data output function using an infrared communication unit (Fig. 2: 38), wherein said camera assigns a file name to each captured image (See figs. 3, 6 and 7), when transferring the image to a recording medium (fig. 1: RM) or an external storage (Using interface connector in fig. 1: 26) the camera verifies if the file has already been stored in the recording medium (See fig. 9: 911), if it is determined that the image file has been transmitted, the camera displays a message (Fig. 9: 912) to notify the user that said the image has been

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previously transmitted to the recording medium and the user has to modify the image file name or perform other operations if still wants to transfer the image to said recording medium (Col. 13, line 41 – col. 15, line 25).

Therefore, taking the combined teaching of Tanaka in view of Sato as a Whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by determining if an image to be transmitted has been transmitted before to another communication device to transmit only the untransmitted images. The motivation to do so would help the electronic camera to avoid redundancy of image files in the target communication unit avoiding retransmission of same image data.

Allowable Subject Matter

10. **Claims 8-10** are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 8 and 10, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest transmitting a file name of the image file recorded in said recording means to the master unit and receiving a file name of an untransmitted image file from the master unit; and means for transmitting an image file corresponding to the received file name of the untransmitted image file to the master unit.

Tanaka discloses an electronic camera (Figs. 1: 5 and 2: 10) capable of communication on a handy-phone system (Fig. 1), comprising: an image processing unit (Fig. 2: 41 and 35) configured to process image data obtained by an image of said

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camera; a storage (Fig. 2: 14 and 2: 46) configured to store said image data as an image file by assigning a unique file name (Assigning a unique file name to the images is inherent in Tanaka so as to identify the images to be transmitted); and a communication unit (Fig. 2: 11) configured to communicate with a specified communication unit when said specified communication unit is found to establish mutual communication (Mobile telephones transmit broadcasting signals to establish mutual communication with the Mobile Services Switching Center (MSC)) (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

However, Tanaka fails to teach or reasonably suggest transmitting a file name of the image file recorded in said recording means to the master unit and receiving a file name of an untransmitted image file from the master unit; and means for transmitting an image file corresponding to the received file name of the untransmitted image file to the master unit.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

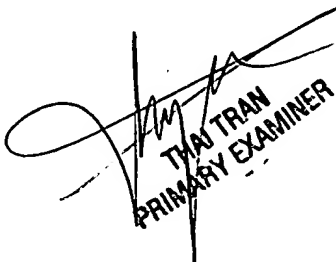
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
September 6, 2005


THAI TRAN
PRIMARY EXAMINER